



17119 U.S. PTO

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15964 U.S. PTO
10/804787

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	CIT 2616 CON
First Inventor	Jeffrey A. Hubbell
Title	Multifunctional Polymeric Tissue Coatings
Express Mail Label No.	EL 717 745 585 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 44]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 3]
- Oath or Declaration [Total Sheets]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☒ Paper
 - ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Items 9 and 10 are copies from Serial No. 09/403,428

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/403,428

Prior application information:

Examiner Monique R. Jackson

Art Unit: 1773

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number: 23579 OR ☐ Correspondence address below

Name	Patrea L. Pabst, Holland & Knight LLP				
Address	2000 One Atlantic Center				
	1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	United States of America	Telephone	(404) 817-8473	Fax	(404)817-8588

Name (Print/Type)	Rivka D. Monheit	Registration No. (Attorney/Agent)	48,731
Signature	<i>Rivka D. Monheit</i>	Date	March 19, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CIT 2616 CON - 077043/00004

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 770.00

Complete if Known

Application Number	Continuation of 09/403,428
Filing Date	March 19, 2004
First Named Inventor	Jeffrey A. Hubbell
Examiner Name	
Art Unit	
Attorney Docket No.	CIT 2616 CON

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1868

Holland & Knight LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 770.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
19	20* = 0	18.00	0
2	3** = 0	86.00	0
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$).00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00**SUBMITTED BY**

Name (Print/Type)	Rivka D. Monheit	Registration No. (Attorney/Agent)	48,731	Telephone (404) 817-8514
Signature	<i>Rivka D. Monheit</i>	Date	March 19, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CIT 2616 CON - 077043/00004

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jeffrey A. Hubbell, Donald L. Elbert, and Curtis B. Herbert

Serial No.: Continuation of 09/403,428

Express Mail Label
No. EL 717 745 585 US

Filed: March 19, 2004

Date of Deposit: March 19, 2004

For: *MULTIFUNCTIONAL POLYMERIC TISSUE COATINGS*

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicants enclose for filing the attached new patent application entitled "*Multifunctional Polymeric Tissue Coatings*". This application is a continuation of pending prior application Serial No. 09/403,428 filed January 6, 2000, entitled "*Multifunctional Polymeric Tissue Coatings*", by Jeffrey A. Hubbell, Donald L. Elbert, and Curtis B. Herbert, which is a filing under 35 USC §371 of PCT Application No. PCT/US98/07590 filed April 17, 1998, which claims priority to U.S.S.N. 60/044,733 filed on April 21, 1997. The application includes 1 page of abstract, 38 pages of specification, 5 pages of claims, 3 sheets of formal drawings, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/403,428.

Continuation of U.S.S.N. 09/403,428
Filed: Marc 19, 2004
**REQUEST FOR FILING A CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 745 585 US
Date of Deposit: March 19, 2004

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/403,428, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/403,428.

Enclosed are a Preliminary Amendment with one page of Sequence Listing and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 09/403,428 filed January 6, 2000 by Jeffrey A. Hubbell, Donald L. Elbert, and Curtis B. Herbert. Sequence listings in computer readable form were submitted in application Serial No. 09/403,428 on November 29, 2001. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), Applicants hereby request that the computer readable form of the sequence listing submitted in application Serial No. 09/403,428 on November 29, 2001 be used as the computer readable form of the sequence listing for the new application. The application has a paper copy of the Sequence Listing incorporated therein by way of the enclosed Preliminary Amendment.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing present in the new application, that the Sequence Listing does not add new

Continuation of U.S.S.N. 09/403,428
Filed: Marc 19, 2004
**REQUEST FOR FILING A CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
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Date of Deposit: March 19, 2004

matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 09/403,428 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers; (b) Statement Under 37 CFR §3.73(b); and (c) Notice of Recordation of Assignment from Jeffrey A. Hubbell, Donald L. Elbert, and Curtis B. Herbert to California Institute of Technology .

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal.

This application is not entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$770.00 to cover the filing fee for a large entity. It is believed that this is the proper filing fee since the application includes 2 independent claims and a total of 19 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868.

The power of attorney in the prior application is to Patrea L. Pabst.

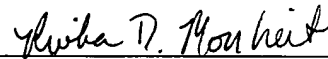
All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

Continuation of U.S.S.N. 09/403,428
Filed: Marc 19, 2004
**REQUEST FOR FILING A CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 745 585 US
Date of Deposit: March 19, 2004

This application is being filed on March 19, 2004 by mailing the application to Mail Stop
Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via
the United States Postal Service "Express Mail Post Office to Addressee" Service under
37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this paper which is
attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Rivka D. Monheit
Reg. No. 48,731

Date: March 19, 2004

HOLLAND & KNIGHT LLP
2000 One Atlantic Center
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Continuation of U.S.S.N. 09/403,428
Filed: Marc 19, 2004
**REQUEST FOR FILING A CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**
Express Mail Label No.: EL 717 745 585 US
Date of Deposit: March 19, 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, March 19, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 745 585 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Pam Turnbough

Date: March 19, 2004

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